

and their votes as legislators. If lawyers are to be the best authority for creating objects of legislation as well as for drawing, expounding and deciding

## THE ERIE RAILWAY WAR.

### HUNT AFTER FACTS AND FIGURES.

Extraordinary Ignorance of Erie Officials  
About Erie Affairs.

The reference before Mr. Kenneth G. White, the Master, in regard to the 63,054 shares of Erie stock claimed by Heath and Rapiaci, the English share holders, to be their property, was resumed yesterday. Mr. Southmayd made an energetic hunt after facts and figures concerning the stock in question and elicited the fact that the auditor of the Erie Company did not know, as he swears, of the issue of the convertible bonds for \$3,003,000 until he saw a statement to that effect in the newspapers.

Mr. Southmayd and Mr. Tweed appeared for the English shareholders, and Mr. Beach, Mr. Morgan and Mr. Lane appeared for the Erie Company.

**TESTIMONY OF THE AUDITOR.**  
Giovanni Morristini was the first witness examined. He testified as follows:—I am the auditor of the Erie Railway Company, and have been such since February 11, 1873; I keep the general books of account—the journal and the ledger; there is a cash book; it is kept in the treasurer's office; the accounts of the transactions between the Erie Railway Company and Willard, Martin & Beach are kept in the ledger; I did not know in December and January

last that two convertible bonds had been issued by the company; I first saw an account of their issuance for \$2,000,000 and another for \$1,000,000 in the newspapers; I did not know in December and January that 30,000 shares of new stock had been issued; I first heard of such issue from the newspapers since this inquiry began; the ledger is posted by one of my clerks from my cash book, but I supervise it; this book, which is called "The Tickler," contains an account showing the

money paid by the company to Willard, Martin & Beach in December and January, 1971; it is the original book kept at the time; I produced the ledger showing the sums of money paid to Willard, Martin & Beach from December 23, 1970, to January 4, 1971; it is the original book kept at that time; I also have the journals for the same period; the e is no entry in any book of the company in my department showing that it received anything as the proceeds of two convertible

Q. Up to this date has there been any entry in any of the books of the company's books of the issue of 30,000 shares of new stock and the proceeds of their sale, or of the sale of the convertible bonds or of the proceeds of the sale of the 80,000 new shares; when bonds of the company are created they are generally entered in the register by me in the books of account; the failure to enter or register such bonds would necessarily render them incomplete.

issue of convertible bonds for \$2,000,000 and the proceeds of their sale. A. There is a book in the treasurer's of bills payable, but they properly into my ledger; there are no such books in the office of the company that I know of as books of bonds payable; there used to be a book of convertible bonds kept in the office of the company, but it was closed long ago; if a convertible bond of the company was issued I would not make an entry of unless ordered to do so; there is no entry that I know of in any book of the convertible bonds for \$2,000,000; there was no entry of them made by me

On the morning of December 28, 1870, the account between the Erie Railway Company and Willard Martin & Beach stood \$250,000 in favor of the latter, and the sums received from them during the ensuing month were credited to us. Mr. Gould was not credited in any amounts; I don't know how much Willard, Martin & Beach had loaned to the company over and above what was returned to them during that period; the running and operating expenses of the company during December and January last are contained in these books; the receipts from the revenues of the road in December, 1870,

Cross-examined by Mr. Beach.—Q. You alluded to the convertible fund book being closed; did you ever enter in it the proceeds of such bonds until the receipts on their issue came in? A. I did not; and when I entered them I generally entered the amount in full of which the bonds were created. I closed the fund book one fine morning, because I had nothing to enter.

to put in it if these bonds were given to Willard, Martin & Beach as security for advances, then they would not be entered on the books of the company unless ordered; at the close of January last the Erie Company owed Willard, Martin & Beach for \$225,000, for actual money received from them for the general purposes of the road, I do not know what security Willard, Martin & Beach held for that amount.

At this point of the inquiry the examination of the witness was suspended to enable him to draw up a written statement of the cash for December and

John A. Hilton, the transfer clerk, then took the stand. He deposed:—The 2,500 shares of Erie stock issued to T. J. Titus December 28, 1870, are credited on the books of the company thus:—The amount issued by the company on account of convertible bonds issued December 28, 1870, is still standing to his credit; the whole amount of stock credited to his name is 12,600 shares; Mr. Titus is a clerk in the firm of Willard, Martin & Beach; when the books were closed in February last, 9,750 shares stood to his credit; in December, 1870, 2,850 shares were sold to him.

Shares were also issued to W. K. Willard & Co., on account of convertible bonds, and at present 10,000 shares remain to his credit; 2,500 shares issued at the same time to Willard, Martin & Beach are credited to the same source, as are also 2,500 shares issued to Forrest, Willard & Co.; 6,000 shares issued in the latter part of December, 1879, and 500 shares issued in January, 1881, to William Heath & Co. are credited to convertible bonds.

Q. Is James H. Coleman credited with any stock?

A. Under date of September, 1879, James H. Coleman, as receiver, is credited with the stock claimed

by heart and rote, and the actual entry or transfer in the transfer book took place a day or two afterwards, certainly before the election, which was on the 12th of October. Mr. Coleman voted at this stock at the last election.

Q. For whom did he vote—the ticket including Fisk and Gould? A. I cannot say as to that; should judge—

MR. LEACH—I object to the witness stating what he judges.

**The Master—Proceed.**

**Witness—**All the votes cast at the last election

The reference was further adjourned till Monday.

Fisk, Jr., and the Union Pacific Railroad Company.

The suit of James Fisk, Jr., vs. The Union Pacific Railroad Company, the Credit Mobilier of America and others, is removed from the State Court to the United States Circuit Court. Yesterday Fisk filed

his amended bill in equity in the United States Circuit Court. The bill prays that the establishment and management of the Credit Mobilier of America by the directors of the Union Pacific Railway Company, be declared a fraud; that all the arrangements and contracts made between these parties be set aside as fraudulent; and that the Union Pacific Railway Company be restrained from receiving United States lands and grants of land, and that the same be taken by a receiver appointed by the Court.

**A Sad Chapter of Domestic Murders.**  
About a year ago John Bannon, a boy about twelve years of age, was before the Mercer county judges in Trenton, N. J., on a charge of stealing. Sentence was suspended, on the promise of the father that he would send the boy to school and look after him. Last summer the mother of the boy committed suicide by jumping into the river Delaware, and before

she died was seen to kneel down, say her prayer and bow her head. Then she rose, leaped from the top of the rolling mill and soon was in eternity. The boy, whom the father promised to look after, has been neglected, and on Thursday last, in Treton, committed deliberate and wicked mischief going into a garden and digging up a lot of flowers and transplanting them in another lot. The boy was anxious to be sent to the Reform School at Jamestown, and the Court, on the suspended sentence, sent him there.

**A PROFESSIONAL SWINDLER.**

At the Yorkville Police Court yesterday J. M. Ireland, who has been described on several occasions in the press of this city as a professional swindler, was arraigned on a charge of false representations preferred against him by Renben H. Pines, of 203 East Twenty-ninth street. The facts in this case have already been published in full in the Standard, and need not be recapitulated here.

HERALD, and need not recantation. Ireland wanted simply to become a partner of Piase in falsely representing himself as being worth \$150,000. When he was hardly worth a cent, and had judgments against him of \$12,000. The case came up for examination yesterday, when considerable testimony was taken on both sides, and it was adjourned until this morning.

It appears in a communication from the City Collector to the Councils that an assessment of \$2,200 for improvements had been made upon the ground wherein reported and that was mortal of the little fight, and that as the courts have given judgment, he shall be compelled to proceed.

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